

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 10, 2016**

Present: Peter F. Murphy, Springfield District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
James T. Migliaccio, Lee District  
Julie M. Strandlie, Mason District  
Karen A. Keys-Gamarra, Sully District  
Janyce N. Hedetniemi, Commissioner At-Large

Absent: Frank A. de la Fe, Hunter Mill District  
Earl L. Flanagan, Mount Vernon District  
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:22 p.m., by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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**COMMISSION MATTERS**

**SE 2015-DR-027 - MAHLON A. BURNETTE, III AND MARY H. BURNETTE**  
(Decision Only) (Public Hearing held on October 19, 2016)

*(Start Verbatim Transcript)*

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Commissioner Ulfelder: Well, thank you Mr. Chairman. I know I'm at the far end. We had a decision only scheduled this evening for a special exception application in Great Falls for a lot width waiver and, at the request of the applicants, we are going to further defer the decision. So with that, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-DR-027, TO A DATE CERTAIN OF DECEMBER 8<sup>TH</sup>, 2016, WITH THE – WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor...

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes?

Commissioner Hart: If I could just be recorded as not participating – not voting on this?

Chairman Murphy: Okay. All those in favor of the motion to defer decision only on SE 2015-DR-027, to a date certain of December 8<sup>th</sup>, with the record remaining open for written comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 8-0. Commissioner Hart recused himself from the vote. Commissioners de la Fe, Flanagan and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

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#### ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda.

1. PCA 95-Y-016-06/SEA 95-Y-024-06 – COSTCO WHOLESALE CORPORATION
2. PCA 95-Y-016-05/SEA 95-Y-024-05 – LIDL US OPERATIONS, LLC
3. SE 2016-SU-015 – ARDAVAN BADII & FOROUSZANDEH FARNOUSH A/K/A FOROUZ FARNOUSH d/b/a BULLION & DIAMOND CO., LLC

This agenda was accepted without objection.

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PCA 95-Y-016-06 - COSTCO WHOLESALE CORPORATION – Appl. to amend the proffers for RZ 95-Y-016, previously approved for a retail, hotel, and recreational uses, to permit a service station and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.26. Located on the S.W. quadrant of Sully Rd. and Lee Jackson Memorial Hwy., on approx. 13.39 ac. of land zoned C-8, WS and HC (part). Comp. Plan Rec: Industrial. Tax Map 34-3 ((1)) 41 B. (Concurrent with SEA 95-Y-024-06.) (SULLY DISTRICT) (PUBLIC HEARING)

SEA 95-Y-024-06 - COSTCO WHOLESALE CORPORATION – Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 95-Y-024, previously approved for an increase in building height and a waiver of certain sign regulations to permit an increase in the size

and height of two (2) freestanding signs, to permit a service station in a Highway Corridor Overlay District with associated modifications to site design and development conditions. Located at 14390 Chantilly Crossing Ln., Chantilly, 20151, on approx. 13.39 ac. of land zoned C-8, WS and HC (part). Tax Map 34-3 ((1)) 41 B. (Concurrent with PCA 95-Y-016-06.) (SULLY DISTRICT) (PUBLIC HEARING)

David Gill, Applicant's Attorney, McGuireWoods LLP, reaffirmed the affidavit dated August 12, 2016.

There were no disclosures by Commission members.

Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA 95-Y-016-06 and SEA 95-Y-024-06.

Mr. Gill said that this application was for a Costco gas station and would be similar to the Costco gas station located in Fairfax. He said that it was a members only gas station, would serve only two grades of gasoline and there would be no additional items or services that could be purchased at the gas facility. Mr. Gill said the applicant has worked with and received approval from the Sully District Council and the West Fairfax County Citizens Association.

Commissioner Keys-Gamarra and Mr. Gill discussed the stormwater pond located at Chantilly Crossing wherein Mr. Gill explained that the maintenance was handled by the shopping center association which Costco was a part of. He said the applicant would bring up the issue of required maintenance for the pond at the next association meeting.

Commissioner Keys-Gamarra and Mr. Gill discussed how the cars would circulate through the gas station wherein Mr. Gill explained that there were spaces for 16 vehicles under the canopy to pump gas and an additional 47 could queue in line. He said the traffic was one way only with customers entering at the north end and exiting at the south end. Mr. Gill said this proposal would require the removal of 105 existing parking spaces with the overall total spaces still being 177 above what was required for the use.

Commissioner Sargeant, Commissioner Ulfelder, Vanessa Holt, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT), and Mr. Gill discussed the traffic study conducted by the applicant wherein Mr. Gill explained that the applicant had submitted a traffic study that followed a similar methodology used at the Fairfax Costco application. He said the applicant took surveys of the nearest examples of Costco gas stations and included that information in the operational analysis submitted to the Virginia Department of Transportation and FCDOT. Mr. Gill said that both departments concluded that the number of trips generated would not have any adverse impact on Route 50 or Route 28 due to the member's only requirement.

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on this case.

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*(Start Verbatim Transcript)*

Chairman Murphy: Public hearing is closed. Recognize Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Thank you, Mr. Chair. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR PCA 95-Y-016-06 AND SEA 95-Y-024-06, TO A DATE CERTAIN OF NOVEMBER 30<sup>TH</sup>.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PCA 95-Y-016-06 and SEA 95-Y-024-06 to a date certain of November 30<sup>th</sup>, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioners de la Fe, Flanagan and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

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PCA 95-Y-016-05 - LIDL US OPERATIONS, LLC – Appl. to amend the proffers for RZ 95-Y-016, previously approved for a mixed-use commercial development, to permit retail and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.22. Located on the S.E. corner of the intersection of Lee Rd. with Chantilly Crossing Ln., on approx. 5.09 ac. of land zoned C-8, HC (part) and WS. Comp. Plan Rec: Industrial. Tax Map 34-3 ((13)) 3. (Concurrent with SEA 95-Y-024-05.) (SULLY DISTRICT) (PUBLIC HEARING)

SEA 95-Y-024-05 - LIDL US OPERATIONS, LLC – Appl. under Sects. 4-802 and 4-804 of the Zoning Ordinance to amend SE 95-Y-024, previously approved for an increase in building height and a waiver of certain sign regulations, to permit deletion of land.

Located on the S.E. corner of the intersection of Lee Rd. with Chantilly Crossing Ln., on approx. 5.09 ac. of land zoned C-8, HC (part) and WS. Tax Map 34-3 ((13)) 3. (Concurrent with PCA 95-Y-016-05.) (SULLY DISTRICT) (PUBLIC HEARING)

Matthew Allman, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated August 29, 2016.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, currently had a pending case with Mr. Allman's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA 95-Y-016-05 and SEA 95-Y-024-05.

Commissioner Hart noted the applicant's western exit onto Chantilly Crossing Lane and discussed whether this could be a conflict point for traffic due to the large volume of vehicles that use the Lee Road/Chantilly Crossing Lane intersection as an entrance into the shopping center. Vanessa Holt, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT), explained that due to the traffic signal at Lee Road and Chantilly Crossing Lane it would provide gaps for vehicles to turn left out of the applicant's site. In addition, she noted that customers would also have an alternate route back to Route 50 by turning right then circulating through the shopping center to one of the other exits. Noting the close proximity of this exit to the traffic signal, Commissioner Hart asked staff what the minimum distance requirement was under the Virginia Department of Transportation (VDOT) standards. Ms. Holt explained that Chantilly Crossing Lane was a private street; therefore, it was not required to meet the Access Management Standards for VDOT.

Commissioner Hart noted that the applicant has proposed a trail and seating area near the neglected stormwater pond and asked Mr. Gorney whether the applicant would have any responsibility to make sure it was properly maintained. Mr. Gorney said the applicant's responsibility would be as a member of the shopping center association and could bring that issue forward to the larger group of owners. He noted that staff had discussed the current pond situation with the applicant who said they would address it with the association.

Commissioner Strandlie noted that the C-8 District allowed by right payday lending businesses and suggested language that would place limits on those types of businesses in the proffers.

Following up on Commissioner Hart's earlier comments regarding the vehicle west exit onto Chantilly Crossing Lane, Commissioner Keys-Gamarra asked staff to explain the traffic rating for the area intersections and how it impacted their transportation recommendations. Ms. Holt explained that the applicant's traffic study determined that the intersections at Lee Road and Route 50, as well as all the intersections on Lee Road to Willard Road, would operate at a "D" level of service or better in the future conditions. In addition, she said they demonstrated that

they would not make the level of service at any of the intersections worse with future traffic. She noted that FCDOT considered that service rating to be acceptable.

Commissioner Keys-Gamarra asked staff if a fast food use could be allowed in the development. Mr. Gorney explained that because a particular amount was allowed by right in the C-8 District, staff had added language in the proffers prohibiting drive through windows to minimize the impact to the development.

Commissioner Keys-Gamarra noted the two extended-stay hotels across the street from this proposal, along with other businesses, and discussed with Mr. Gorney what provisions were made for pedestrian safety wherein Mr. Gorney said there were pedestrian crosswalks available on Chantilly Crossing Lane that would enable pedestrian access between the hotels and this development.

In response to a question from Commissioner Hedetniemi, Ms. Holt said that Proffer D, which addressed the park and ride spaces, was part of the original rezoning and had since been relocated. She said she would remedy the error over the deferral period.

Mr. Allman said that this was the last major undeveloped parcel in the Chantilly Crossing Shopping Center. He said the proposal was for a grocery store, LIDL US, with a complimentary retail. In addition, Mr. Allman said the proposal would include the following: plaza areas, upgraded trail around the pond, additional pedestrian connections to the existing network around the shopping center, green building proffer for both buildings, and a financial contribution to open space development. With regards to the stormwater pond issue previously raised, he noted that earlier this week the shopping center association agreed to do the required maintenance on the fountains in order to restore them to working condition. Mr. Allman said the applicant had worked with staff to make the site more functional for vehicles which resulted in the following improvements: a left turn-in lane from Lee Road, restriping of Chantilly Crossing Lane in order to create two travel lanes, addition of proffer language which addressed signal timing improvements and coordination with VDOT, and a redesigned internal parking lot configuration to allow better circulation. He noted that the applicant had submitted an extensive traffic study to VDOT which was reviewed and determined that it would be acceptable when coupled with mitigation measures.

Commissioner Hart reiterated Commissioner Strandlie's earlier comments regarding the inclusion of language that would prohibit inappropriate permitted uses on this site. He also referred to Sheet 10 of the staff report, which depicted two pedestrian crossings within the development that cross over to the restaurants in the shopping center and questioned whether the western crossing, closest to the corner, was safe. Mr. Allman said it was discussed with staff and the applicant would direct pedestrians to the second eastern crossing by utilizing additional signage and striping the crosswalk.

Commissioner Ulfelder noted that the applicant was experienced in building stores in Europe that incorporated more significant green building measures. He discussed with Mr. Allman and Kevin Mocus, LIDL US Development Team, whether the applicant could suggest additional

measures that could be added at this site. Mr. Mocus said he would review this request and follow-up with staff over the deferral period.

Chairman Murphy called for speakers from the audience and recited the rules for testimony.

Greg Zakarian, Chantilly 50-28 Associates LP, owner of Parcel A3, addressed Commissioner Hedetniemi's earlier question regarding the commuter parking by stating that it had been relocated to the Costco parking area when the development had satisfied their bond requirements. In addition, Mr. Zakarian said that the shopping center association recently approved the installation of two new pumps for the fountains in the stormwater pond and would have bimonthly maintenance around it.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on this case.

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*(Start Verbatim Transcript)*

Chairman Murphy: Public hearing is closed. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: First, I'd like to say I have been to LIDL in Spain and they have really good bread so I'm looking forward to it. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR SE 2016-SU-015 (sic), TO A DATE CERTAIN OF DECEMBER 7TH.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision...

Commissioner Keys-Gamarra: Did we – do the...I'm sorry, he's saying something.

Chairman Murphy: There's a PCA?

Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning: There is a PCA associated as well.

Commissioner Keys-Gamarra: Okay. I can read it, okay. I – I'll go ahead and we'll finish that one.

Chairman Murphy: All right, all those in favor of the motion to defer decision on SEA 95-Y-024-05, to a date certain of December 7th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: And I ALSO MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 95-Y-016-05, TO A DATE CERTAIN OF DECEMBER 7TH.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to defer decision only on PCA 95-Y-016-05 to a date certain of December 7th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 9-0. Commissioners de la Fe, Flanagan, and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

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SE 2016-SU-015 - ARDAVAN BADI & FOROUZANDEH FARNOUSH A/K/A FOROUZ FARNOUSH d/b/a BULLION & DIAMOND CO., LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to permit a pawn shop. Located at 4086 Airline Pkwy., Chantilly, 20151, on approx. 3.44 ac. of land zoned C-8, AN, HC, and WS. Tax Map 34-3 ((1)) 5A. (SULLY DISTRICT) (PUBLIC HEARING)

Ardavan Badii, Applicant, reaffirmed the affidavit dated August 12, 2016.

There were no disclosures by the Commission members.

Michael Lynskey, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2016-SU-015.

Mr. Badii said that he owned a small jewelry store consisting of two part-time and two full-time employees which offered the services of buying gold and jewelry. He said he filed the special exception application to add a pawn shop service due to inquiries from customers requesting the option of buying back their jewelry. Mr. Badii noted that this service would be limited to precious metals, gems and jewelry items only.



Commissioner Ulfelder and Mr. Lynskey had a discussion over the possibility of the store expanding and whether the applicant would need to file an amendment wherein Mr. Lynskey explained that the development conditions were written to limit the use to the address and unit. He suggested the inclusion of the store's total square footage which would result in the need for an amendment if the store expanded in the future.

Commissioners Ulfelder and Migliaccio discussed with Mr. Lynskey the possibility of limiting the items which could be pawned and/or sold; wherein, Mr. Lynskey said he would need to check with the Office of the County Attorney and review the language in the development conditions to determine if it could be revised to restrict items that could be accepted by the applicant for pawn services.

Commissioner Hart suggested that Development Condition 2 also be amended to prohibit any outdoor displays for the pawn use.

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on this case.

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*(Start Verbatim Transcript)*

Chairman Murphy: Public hearing is closed. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Well I – I'd like to thank the applicant for coming in and coming to community meetings and telephone calls and things of that nature. At – at first glance, it seems like this is a simple application, but as I try to figure out how to address the concerns, it hasn't been so simple. So for that reason, I'm going to move to defer this matter. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR PCA 95-Y-016-05 AND SEA 95...

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning: That was the wrong – wrong numbers.

Chairman Murphy: You are on the other one.

Commissioner Keys-Gamarra: Oh, am I looking at the wrong thing? Sorry. I'm at LIDL. Sorry. Do over. Okay, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2016-SU-015, TO A DATE CERTAIN OF DECEMBER 7TH.

Commissioner Hart: Second.

SE 2016-SU-015  
ARDAVAN BADIO & FOROUZANDEH FARNOUSH  
A/K/A FOROUZ FARNOUSH d/b/a  
BULLION & DIAMOND CO., LLC

November 10, 2016

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2016-SU-015, to a date certain of December 7th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioners de la Fe, Flanagan and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

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The meeting was adjourned at 9:57 p.m.  
Peter F Murphy, Chairman  
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Teresa M. Wang

Approved on: May 4, 2017



John W. Cooper, Clerk  
Fairfax County Planning Commission